

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
By: SARAH S. NORMAND (SN-2834)
Assistant United States Attorney
86 Chambers Street
New York, New York 10007
Telephone: (212) 637-2709
Facsimile: (212) 637-2702

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ASSOCIATED PRESS,	:	
	:	
Plaintiff,	:	DECLARATION OF
	:	<u>KAREN L. HECKER</u>
- v. -	:	
	:	06 Civ. 1939 (JSR)
	:	
UNITED STATES DEPARTMENT	:	
OF DEFENSE,	:	
	:	
Defendant.	:	
-----	-x	

KAREN L. HECKER hereby declares, pursuant to 28 U.S.C. § 1746, as follows:

1. I am an Associate Deputy General Counsel in the Office of General Counsel of the United States Department of Defense (“DOD”). Unless otherwise indicated, the statements in this declaration are based upon my personal knowledge and information obtained by me in the course of my official duties. This declaration is made in support of DOD’s Motion for Partial Summary Judgment.

2. DOD received a Freedom of Information Act (“FOIA”) requested from Associated Press (“AP”) dated January 18, 2006. AP requested “documents sufficient to reveal the name, nationality, home town, age, and dates of confinement of each detainee who, since September 11, 2001, has been confined for any period of time at the U.S. Naval base at Guantanamo Bay,

Cuba,” and “any other relevant identifying information about the detainees.” This request was addressed to Rear Admiral James McGarrah, the Director of the Office for the Administrative Review of Detained Enemy Combatants (“OARDEC”).

3. On February 3, 2006, in response to DOD’s request for clarification, AP indicated that it construed “other relevant identifying information” to include “such information as a photographic image of the detainee, date of birth, height, weight, or religious affiliation.”

4. Because OARDEC does not maintain the breadth of information requested by AP, DOD forwarded the FOIA request to United States Southern Command (“SOUTHCOM”), the parent command of Joint Task Force-Guantanamo (“JTF-Guantanamo”) for processing.

5. JTF-Guantanamo consists of several thousand U.S. service members and civilians representing the Army, Navy, Air Force, Marine Corps and Coast Guard. The mission of JTF-Guantanamo is to conduct detention and intelligence gathering operations in support of the Global War on Terrorism, to coordinate and implement detainee screening operations and to support law enforcement and war crime investigations.

6. On April 19, 2006, DOD produced to AP a list that contained the names, Internment Serial Numbers (“ISNs”) and citizenship of all detainees who went through the Combatant Status Review Tribunal (“CSRT”) or Administrative Review Board (“ARB”) proceedings.

7. Subject to any individualized withholdings, DOD will produce on May 15, 2006, certain additional information regarding all individuals detained by DOD at Guantanamo Bay, Cuba, since the detention facility opened in January 2002, including: name, ISN, citizenship, and date and place of birth.

8. DOD is withholding two categories of information sought by AP: photographs identifying individual detainees and weight information contained in detainees’ medical records.

Photographs of current detainees are being withheld pursuant to Exemptions (b)(1) and (b)(6). Photographs of past and present detainees are being withheld pursuant to Exemption (b)(6). The weight information is being withheld pursuant to Exemption (b)(6).

9. Detainees at Guantanamo are provided with comprehensive health care, both on a routine basis and in response to particular medical problems or concerns. Information on the specific medical treatment available to the detainees can be found in the declaration of Doctor John S. Edmondson, Captain, United States Navy. At the time of this declaration, Dr. Edmondson was the task force surgeon for JTF-GTMO and was directly responsible for overseeing the operation of the detention hospital that provides medical care to detainees being held at Guantanamo. (Exhibit A). This document was filed in habeas corpus litigation pending in U.S. District Court for the District of Columbia.

10. Information regarding a detainee's weight is contained only within the detainee's medical records. It is DOD's policy to withhold medical information regarding Guantanamo detainees from public release under FOIA.

11. DOD has made public substantial information regarding the actions it has taken in response to hunger strikes by detainees at Guantanamo, including two press releases. (Exhibits B-C). Additionally, a declaration by the former JTF-Guantanamo Commander regarding DOD's procedures for responding to detainee hunger strikers has been filed in various habeas corpus cases in the U.S. District Court for the District of Columbia. (Exhibit D).

